

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

LAURA WARNER,

Plaintiff,

vs.

MENARD, INC.,

Defendant.

No. C 02-3092-MWB

ORDER DISMISSING ACTION

This matter comes before the court pursuant to defendant Menard's May 12, 2005, Motion For Order Of Dismissal With Prejudice (docket no. 19). In its motion, Menard explains that an arbitration decision was entered denying plaintiff Warner's claim for relief. Under the circumstances, Menard contends that the court should dismiss this case with prejudice. Plaintiff Warner filed a response on June 1, 2005 (docket no. 20). In her response, Warner states that counsel has reviewed the decision of the arbitrator, and while disagreeing with the decision, finds that the factual and legal bases for the ruling are clearly articulated; that judicial review of arbitration decisions is extremely limited; and that Warner cannot, in good faith, argue that the arbitration decision violates any of the applicable standards. Warner requests that the court review the decision of the arbitrator and make an appropriate determination on the merits of defendant Menard's motion.

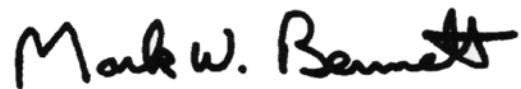
“Judicial review of an arbitration award is extremely limited. Beyond the grounds for vacation provided in the [Federal Arbitration Act], an award will only be set aside where “it is completely irrational or evidences a manifest disregard for the law.”” *Lincoln Nat'l Life Ins. Co. v. Payne*, 374 F.3d 672, 674 (8th Cir. 2004) (quoting *Kiernan*

v. Piper Jaffray Companies, Inc., 137 F.3d 588, 594 (8th Cir. 1998), in turn quoting *Lee v. Chica*, 983 F.2d 883, 885 (8th Cir. 1993)). The court has reviewed the May 5, 2005, decision of the arbitrator in this case and cannot find that the arbitrator's decision suffers from any of the defects that would allow the court to set it aside. Under these circumstance, dismissal of the present action, with prejudice, is appropriate.

THEREFORE, defendant Menard's May 12, 2005, Motion For Order Of Dismissal With Prejudice (docket no. 19) is **granted**. This action, in its entirety, is **dismissed with prejudice**. Judgment shall enter accordingly.

IT IS SO ORDERED.

DATED this 3rd day of August, 2005.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive, slightly stylized font.

MARK W. BENNETT
CHIEF JUDGE, U. S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA